

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
October 25, 2005

3:30 P.M. SESSION

ROLL CALL: Joe Brown, Carol Chumney, Barbara Swearengen Holt, Janet Hooks, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, TaJuan Stout Mitchell, Jack Sammons, and Chairman Edmund Ford
Rickey Peete and Brent Taylor were absent

**THE MEETING WAS CALLED TO ORDER
BY THE SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Rev. Dr. Martin G. McCain from Grace United Methodist Church. Councilwoman Mitchell presented Rev. Dr. McCain with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

29. **ORDINANCE AMENDING CHAPTER 41, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO UPDATE REGULATIONS FOR WRECKERS AND TOWING OPERATORS WITHIN THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**(Held from 10/11)
- Ordinance No. 5133

Held to November 1, 2005

30. **ORDINANCE AMENDING CHAPTER 4, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES REGARDING GENERAL RESTRICTIONS ON ISSUANCE OF LICENSE TO SELL BEER FOR OFF-PREMISES CONSUMPTION, UP FOR T H I R D AND F I N A L READING.** (Held from 10/11)
- Ordinance No. 5134

Held to November 1, 2005

46. **ORDINANCE AMENDING SECTION 29, SIGNS AND SECTION 30, NONCONFORMITIES, UP FOR T H I R D AND F I N A L READING.**
- Ordinance No. 5136
Case No. ZTA 05-001cc

Held to November 1, 2005

47. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF MENDENHALL; AT THE WESTERN TERMINUS OF BARRY ROAD, CONTAINING 1.36 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**(Held from 9/20; 10/11)
- Case No. PD 05-334

Held to November 1, 2005

50. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF GRAHAM STREET; +150 FEET SOUTH OF GIVEN AVENUE, CONTAINING 2.35 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. PD 05-350

Held to November 1, 2005

52. **RESOLUTION HONORING COUNCILWOMAN JANET HOOKS.**

MOTION: Brown
SECOND: Sammons

APPROVED, by unanimous voice vote

Councilwoman Janet Hooks presented certificates to the students from Sharp Elementary

Councilwoman TaJuan Stout Mitchell presented certificates to the Committee from the Whitehaven Jazz Festival

51. **RESOLUTION HONORING LAMAR WALLIS.**

MOTION: Holt
SECOND: Brown

APPROVED, by unanimous voice vote

33. **RESOLUTION AUTHORIZING THE MEMPHIS-SHELBY COUNTY AIRPORT TO ISSUE A SERIES OF REVENUE REFUNDING BONDS, SERIES 2005 TO REFUND BONDS.**

MOTION: Jones
SECOND: Holt
AYES: Brown, Chumney, Holt, Jones, Lowery, McCormick, Mitchell, Sammons and
 Chairman Ford
 Hooks and Marshall did not cast a vote
 Peete and Taylor were absent

APPROVED

28. **APPOINTMENTS**

Civil Service Commission

Appointment

Bernie Weinman

Memphis City Beautiful Commission

Appointment

Stephanie Gatewood

Memphis & Shelby County Board of Equalization

Reappointments

Howard Golwen
Lilly White

Memphis & Shelby County Cross Connection Board

Appointment

Michael Russell

Reappointments

Norman LaChapelle
Samuel McKee

Memphis & Shelby County Convention Center Commission

Appointment

Ellen B. Vergos

Memphis & Shelby County Land Use Control Board

Appointment

Dayton Reid Hedgepeth

Reappointments

Sidney Chism
Loyal Featherstone
Margaret Pritchard
James Toles

MOTION: Sammons
SECOND: Brown
AYES: Brown, Holt, Jones, Lowery, Marshall, McCormick, Mitchell, Sammons and
Chairman Ford
Chumney abstained
Hooks did not cast a vote
Peete and Taylor were absent

APPROVED

31.
- ORDINANCE TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCES, BY ADDING A NEW SECTION, STORM WATER ENTERPRISE FUND, ESTABLISHING A STORM WATER ENTERPRISE FUND, PROVIDING FOR THE POWERS, DUTIES AND RESPONSIBILITIES OF THE ENTERPRISE, ESTABLISHING A STORM WATER FEE; ESTABLISHING A POLICY REGARDING EXPENDITURE OF ENTERPRISE REVENUES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5135

Held to November 15, 2005

32.
- ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY LIMITS OF THE CITY OF MEMPHIS BY VIRTUE OF THE PROVISIONS OF CHAPTER 113 OF THE PUBLIC ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE FOR 1955, AS AMENDED, BY ANNEXING RALEIGH NORTH ANNEXATION AREA AND ASSIGNING SAID AREA TO A COUNCIL DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5137

MOTION: Marshall
SECOND: McCormick
AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Sammons and
Chairman Ford
Hooks and Mitchell did not cast a vote
Peete and Taylor were absent

APPROVED

34. **RESOLUTION APPROVING A TRANSFER OF AN UNIMPROVED CITY OWNED, TAX PARCEL, TO THE FRAYSER COMMUNITY DEVELOPMENT CORPORATION IN THE AMOUNT OF \$50.00. THE PARCEL LIES ON THE WEST SIDE OF ALINE ROAD OPPOSITE SMITH RIDGE ROAD LOCATED IN THE CITY OF MEMPHIS. THE FRAYSER COMMUNITY DEVELOPMENT CORPORATION, PLANS TO BUILD A SINGLE FAMILY HOUSE THAT IS TO BE OWNER OCCUPIED.**

2nd &
Final Reading

Resolution approves the request of Frayser Community Development Corporation for the City to transfer property to them for a fee of Fifty (\$50.00) Dollars. The Division of Housing and Community Development has approved the transfer of the subject property to this designated CHDO. The approval of housing design by HCD has been made a part of the Transfer Agreement. The City property has 54 + feet of frontage on Aline Road and a depth of 240 feet. The Shelby County Assessor’s Office identifies the City parcel as Ward 071, Block 052, Parcel 00108. The subject property was acquired by the City in Tax sale #10, Chancery Court Cause #9425-3 R.D., as Exhibit #006710. Per ordinance, the transfer of the subject parcel is subject to the request laying over for a second reading to allow interested parties to voice either their approval or opposition to the transfer. Resolution approval on second reading shall be deemed approval of the transfer. Resolution also authorizes the Mayor to execute the necessary documents in connection with the transfer.

Directors of Housing and Community Development and General Services recommend approval

- MOTION: Brown
SECOND: Jones
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Sammons and Chairman Ford
Peete and Taylor were absent

APPROVED

35. **RESOLUTION ACCEPTING AN OFFER TO PURCHASE CITY OF MEMPHIS OWNED PROPERTY, LOCATED ON THE SOUTH WEST CORNER OF TRINITY AND SANGA ROADS, IN THE AMOUNT OF \$143,000.00. THIS SURPLUS PROPERTY HAS BEEN SUBDIVIDED AS LOT 2, CONTAINING 35,977 SQUARE FEET, MORE OR LESS, OF THE FIRE STATION #54 SUBDIVISION, TWO LOTS – 3.01 ACRES, (OPD CASE NO. S 02-038). LOT 2 HAS BEEN APPROVED FOR C-L (NEIGHBORHOOD COMMERCIAL) ZONING.**

Brown
1st Reading

Resolution accepts an offer from Jatinder Sharma and Balivinder Kumar to purchase property located on the west side of Trinity Road and south side of Sanga Road in the City of Memphis, County of Shelby and State of Tennessee. Fire Services has determined that the subject property is surplus. The amount of the offer is \$143,000.00. Per Ordinance, the sale of the subject property is subject to the offer laying over for a subsequent council meeting for a second and final reading, at the second reading additional bids may be made subject to an initial increase of \$500.00 plus additional increases in increments of \$50.00 or more, with said bids being further subject to the terms and conditions of the Offer to Purchase Agreement.

Director of General Services and Director of Fire Services recommend approval

- MOTION: Brown
SECOND: Jones
AYES: Brown, Chumney, Holt, Lowery, McCormick, Mitchell, Sammons and Chairman Ford
NAYS: Jones
Hooks and Marshall did not cast a vote

Peete and Taylor were absent

APPROVED, on First reading

36. **RESOLUTION APPROVING PURCHASE OF PROPERTY FROM THE MALCOLM W. RIDDICK REVOCABLE TRUST, MALCOLM W. RIDDICK TRUSTEE, LOCATED ON THE SOUTHEAST CORNER OF BRUNSWICK ROAD AND MILLINGTON-ARLINGTON ROAD, FOR THE SUM OF \$75,000.00.**

MOTION: Brown
SECOND: Holt
AYES: Brown, Chumney, Holt, Jones, McCormick, Mitchell, Sammons and Chairman Ford
Hooks, Lowery and Marshall did not cast a vote
Peete and Taylor were absent

APPROVED

37. **RESOLUTION ACCEPTING AN OFFER TO PURCHASE CITY OWNED PROPERTY LOCATED ON THE SOUTH SIDE OF KRUGER ROAD AND EAST OF HIGHLAND STREET TO THE ADJOINING PROPERTY OWNERS, CONTAINING 3,217 SQUARE FEET, MORE OR LESS. THE AMOUNT OF THE OFFER IS \$500.00.**

Resolution accepts an offer from Penny M. Townsend and Terrence A. Townsend to purchase property located on the south side of Kruger Road and east of Highland Street in the City of Memphis, County of Shelby and State of Tennessee. The City Engineer’s Office has determined that the subject property is surplus. The amount of the offer is \$500.00. Per ordinance, the sale of the subject property is not subject to the offer laying over for a second reading and Council approval on the first reading shall be deemed approval of the sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale.

Director of General Services and City Engineer recommend approval

MOTION: Brown
SECOND: Holt
AYES: Brown, Chumney, Holt, Lowery, McCormick, Sammons and Chairman Ford
Hooks, Jones, Marshall and Mitchell did not cast a vote
Peete and Taylor were absent

APPROVED

38. **RESOLUTION AUTHORIZING THE SALE OF CITY OWNED VACANT LAND AT 1126 COLLEGE STREET (02601800029), IN THE SOUTH MEMPHIS AREA TO LEMOYNE-OWEN COLLEGE C. D. C. IN THE AMOUNT OF \$1.00.**

Director of Housing and Community Development recommends approval

MOTION: Holt
SECOND: Brown
AYES: Brown, Chumney, Holt, Lowery, McCormick, Sammons and Chairman Ford
Hooks, Jones and Mitchell did not cast a vote
Peete and Lowery were absent

APPROVED

39. **RESOLUTION AUTHORIZING THE SALE OF CITY OWNED VACANT LAND AT 2509 HANWOOD (04206700008), IN THE NORTH MEMPHIS AREA TO QUENTIN E. FRANKLIN IN THE AMOUNT OF \$500.00.**

Director of Housing and Community Development recommends approval

MOTION: Holt
 SECOND: Sammons
 AYES: Brown, Chumney, Holt, Lowery, McCormick, Sammons and Chairman Ford
 Hooks, Jones, Marshall and Mitchell did not cast a vote
 Peete and Taylor were absent

APPROVED

40. **RESOLUTION INCLUDING CHURCH PARK RENOVATIONS, LOCATED AT BEALE ST. & FOURTH, CIP PROJECT NUMBER PK07082, AS PART OF THE FISCAL YEAR 2006 CAPITAL BUDGET. RESOLUTION STATES THE ADMINISTRATION IS REQUIRED TO PRESENT A PRELIMINARY DESIGN TO THE APPROPRIATE COUNCIL COMMITTEE. RESOLUTION FURTHER REQUESTS APPROVAL FOR CONTINUATION OF PLANS AND SPECIFICATIONS FOR THE TAKING OF BIDS AT AN ESTIMATED CONSTRUCTION COST OF \$2,000,000.00.**

MOTION: Holt – Add a bathroom
 SECOND: Brown

NO ACTION WAS TAKEN

After a short discussion with Holt and McCormick, the Chairman stated that this item should go back to Committee without objection.

APPROVED, item sent back to Committee on November 1, 2005

41. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET FOR CIP PROJECT NUMBER PK07018, WESTWOOD PARK IS HEREBY AMENDED BY TRANSFERRING A \$273,000.00 ALLOCATION IN CONSTRUCTION AND \$4,646.00 APPROPRIATION IN ARCHITECT/ENGINEERING FROM PK07018, WESTWOOD PARK TO PK01011, CHARLES POWELL COMMUNITY CENTER ADDITION, FUNDED BY G.O. BONDS GENERAL.**

MOTION: McCormick
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Sammons and Chairman Ford
 Marshall did not cast a vote
 Peete and Taylor were absent

APPROVED

42. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A \$17,369.00 ALLOCATION FROM ARCHITECT/ENGINEERING AND \$173,840.00 IN CONSTRUCTION FROM CIP PROJECT NUMBER PK07016, HICKORY HILL #7 RIDGEWAY NORTH OF WINCHESTER TO AN ALLOCATION OF \$17,369.00 IN ARCHITECT/ENGINEERING AND \$173,840.00 IN CONSTRUCTION TO CIP PROJECT NUMBER PK07043, SHIVLER PARK FUNDED BY G.O. BONDS GENERAL.**

MOTION: McCormick
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Sammons and Chairman Ford
 Marshall did not cast a vote
 Peete and Taylor were absent

APPROVED

45. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING ALLOCATIONS OF \$3,799,698.00 FUNDED BY G.O. BOND FUNDS FROM ASPHALT PAVING, PROJECT NUMBER PW01040 AND \$213,771.00 FUNDED BY G.O. BOND FUNDS FROM ADA WHEEL CHAIR RAMP PROGRAM, PROJECT NUMBER PW04007 TO RESURFACING VARIOUS ST. GRP 1, PROJECT NUMBER PW01172. RESOLUTION APPROPRIATING \$4,013,469.00 FUNDED BY G.O. BOND FUNDS FOR RESURFACING VARIOUS ST GRP 1, PROJECT NUMBER PW01172 FOR A CONSTRUCTION CONTRACT WITH LEHMAN ROBERTS CO.**

Director of Public Works and City Engineer recommends approval

MOTION: Hooks
SECOND: Jones
AYES: Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Sammons,
 and Chairman Ford
 Brown and Marshall did not cast a vote
 Peete and Sammons were absent

APPROVED

43. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET FOR PROJECT NUMBER PK 05003, KENNEDY PARK BY TRANSFERRING A \$930,000.00 ALLOCATION FROM ARCHITECT/ENGINEERING TO CONSTRUCTION FUNDED BY G.O. BONDS GENERAL.**

MOTION: McCormick
SECOND: Sammons
AYES: Brown, Chumney, Hooks, Jones, Lowery, McCormick, Mitchell, Sammons
 and Chairman Ford
 Holt and Marshall did not cast a vote
 Peete and Taylor were absent

APPROVED

44. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$6,678.90 FROM THE MEMPHIS CITY SCHOOLS FOR THE DRUG ABUSE RESISTANCE EDUCATION (DARE) PROGRAM. RESOLUTION ALSO AMENDS THE FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE SAID GRANT FUNDS AND STATE FUNDS FOR \$35,000.00 WITH THE TOTAL APPROPRIATION OF \$41,678.90.**

MOTION: Jones
SECOND: McCormick
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell,
 Sammons and Chairman Ford
 Marshall did not cast a vote
 Peete and Taylor were absent

APPROVED

48. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF WALNUT GROVE ROAD AND BAZEBERRY ROAD, CONTAINING 380.83 ACRES IN THE AGRICULTURAL (AG), AGRICULTURAL FLOOD PLAIN (AG[FP]), & FLOODWAY (FW) DISTRICTS.**

Case No. PD 05-345cc

Applicant: Grey’s Hollow, LLC
 Ronald Harkavy, Attorney – Representative

Request: A mixed use planned development consisting of residential, office, and
 commercial uses within the Plan

MOTION: Sammons
SECOND: Jones
AYES: Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Sammons and
Chairman Ford
Brown and Marshall did not cast a vote
Peete and Taylor were absent

49. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST AND NORTHEAST CORNERS OF BATTLE CREEK DRIVE AND RALEIGH LAGRANGE ROAD, CONTAINING 7.26 ACRES AND IS GOVERNED BY CONDITIONS OF THE HIDDEN WOODS P.D. (P.B. 139, PG. 12).**

1. **ORDINANCE EXTENDING FROM THE NORTHERN TERMINUS OF HUNTER'S GLADE LANE TO THE EASTERN TERMINUS OF CALLIE MANOR DRIVE, CONTAINING 22.63 ACRES IN THE AGRICULTURAL (AG) DISTRICT, UP FOR S E C O N D READING.**

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Ragan Street at the terminus of Gold Avenue. The standard improvement contract was approved on August 3, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$17,400.00.

3. **RESOLUTION ACCEPTING FRANKLIN FARMS P.D., PHASE 4, PART OF AREA A & B, AND AUTHORIZING RELEASE OF BOND.**

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Houston Levee, south of Highway 64. The standard improvement contract was approved on June 17, 2003. Resolution also authorizes the release of the Letter of Credit (S033152) in the amount of \$110,800.00.

City Engineer recommends approval

APPROVED**4. RESOLUTION ACCEPTING GEMSTONE P.D., PHASE 2, AREA B & C, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 99-380
(Contract No. CR-4856)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of White Diamond Street, west of Weaver Road. The standard improvement contract was approved on March 2, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$46,100.00.

City Engineer recommends approval

APPROVED**5. RESOLUTION ACCEPTING CARTLTON RIDGE P.D., AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 01-338cc
(Contract No. CR-4755)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Macon Road, east of Hall Road. The standard improvement contract was approved on November 12, 2002. Resolution also authorizes the release of the letters of credit in the amount total of \$371,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED**6. RESOLUTION APPROVING FINAL PLAT OF RIVERDALE/RAINES C-P, PHASE 1.**

Case No. Z-2360
Contract No. CR-4983

Resolution approves the final plat located on the west side of Riverdale Road, north of Raines Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED**7. RESOLUTION ACCEPTING TULIP CREEK SUBDIVISION, SECTION B, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 99-012cc
(Contract No. CR-4756)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Covington Pike, 140.82 feet north of Mandy Smith Drive. The standard improvement contract was approved on November 12, 2002. Resolution also authorizes the release of the performance bond in the amount of \$22,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED**8. RESOLUTION ACCEPTING BUCKINGHAM FARMS P.D., PHASE 24, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 95-310cc
(Contract No. CR-4748)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Nonconnah Parkway, east of Hacks Cross Road. The standard improvement contract was approved on October 1, 2002. Resolution also authorizes the release of the bond in the amount of \$390,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

9. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

Case No. PD 05-325cc – Dexter Woods Planned Development

Public Hearing set for November 1, 2005

10. **RESOLUTION EXTENDING 102ND HAPPY BIRTHDAY GREETINGS TO MRS. ROSIE MILLER.**

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Sammons
SECOND: Holt
AYES: Brown, Chumney, Holt, Hooks, Lowery, McCormick, Mitchell, Sammons and Chairman Ford
Jones and Marshall did not cast a vote
Peete and Taylor were absent

APPROVED

MLGW FISCAL CONSENT- Items 11-17 & 20-27 may be acted upon by one motion

11. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 2 TO CONTRACT NO. 10817, MANAGED PRESCRIPTION DRUG PROGRAM, WITH EXPRESS SCRIPTS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$2,750,000.00. (THIS EXTENDS THE CONTRACT NOT TO EXCEED 90 DAYS BEGINNING 1/1/06.) (Held from 10/11).**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10918, OUT-OF-STATE AUTO INSURANCE, WITH PETE MITCHELL & ASSOCIATES, INC. IN THE FUNDED AMOUNT OF \$88,160.00. (THIS RATIFIES THE CONTRACT FOR A SECOND TERM, 2/14/05 TO 2/14/06 AND COVERS PAYMENT MADE WITHOUT PRIOR APPROVAL). (Held from 09/20).**

APPROVED

13. **RESOLUTION AWARDING CONTRACT NO. 11049, FIRE PROTECTION SPRINKLER SYSTEM INSTALLATION, TO RIVER CITY SPRINKLERS, INC. IN THE FUNDED AMOUNT OF \$63,438.00.**

APPROVED

14. **RESOLUTION AWARDING CONTRACT NO. 11050, TAPE REPORTING TOOL, TO TERACLOUD CORPORATION IN THE FUNDED AMOUNT OF \$48,814.92.**

APPROVED

15. **RESOLUTION AWARDING CONTRACT NO. 11053, ARMORED CAR SERVICES, TO DUNBAR ARMORED, INC. IN THE FUNDED AMOUNT OF \$46,748.40.**

APPROVED

16. **RESOLUTION AWARDING CONTRACT NO. 11056, MLGW ELECTRIC, GAS AND TELECOM VULNERABILITY ASSESSMENT, TO ABSG CONSULTING, INC. IN THE FUNDED AMOUNT OF \$138,000.00.**

APPROVED

17. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 7 TO CONTRACT NO. 10562, INSTALLATION OF PBX/ACD SYSTEM, WITH CONVERGED SOLUTIONS GROUP, LLC, IN THE FUNDED AMOUNT OF \$205,059.00.**

APPROVED

18. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10871, HMO BENEFIT GROUP AGREEMENT, WITH AETNA U.S. HEALTHCARE, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$911,382.00. (THIS RENEWS THE CONTRACT FOR THE THIRD TERM, 1/1/06 THROUGH 12/31/06, AND COVERS A 5.1% DECREASE IN MEDICAL RATES AND A 7.4% INCREASE IN DENTAL RATES.)**

Back to Committee on November 1, 2005

19. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10897, MEDICAL BENEFIT PROVIDER, WITH CIGNA HEALTHCARE, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$4,183,054.00. (THIS RENEWS THE CONTRACT FOR THE TENTH TERM, 1/1/06 THROUGH 12/31/06, AND COVERS A 3.2% RATE INCREASE.)**

Back to Committee on November 1, 2005

20. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 10919, BUSINESS OPERATIONS CENTER TELECOMMUNICATIONS SYSTEM, WITH CONVERGED SOLUTIONS GROUP, LLC, IN THE FUNDED AMOUNT OF \$91,434.00. (THIS COVERS THE PURCHASE AND INSTALLATION OF INTERNET PROTOCOL DISTRIBUTED ARCHITECTURE REMOTE TELEPHONE SHELVES.)**

APPROVED

21. **RESOLUTION AWARDING CONTRACT FOR SECURITY CCTV EQUIPMENT UPGRADE TO ANIXTER, INC. IN THE AMOUNT OF \$295,187.10, APPROXIMATELY.**

APPROVED

22. **RESOLUTION AWARDING 16-MONTH BLANKET CONTRACT FOR UTILITY BILL MAILING AND RETURN ENVELOPES TO TOP FLIGHT, INC. IN THE AMOUNT OF \$216,270.00, APPROXIMATELY.**

APPROVED

23. **RESOLUTION AWARDING CONTRACT FOR WEDGE-TAP CONNECTORS TO TENNESSEE VALLEY ELECTRIC SUPPLY COMPANY IN THE AMOUNT OF \$528,576.54.**

APPROVED

24. **RESOLUTION AWARDING CONTRACT FOR TAPE LIBRARY TO VENTURE TECHNOLOGIES IN THE AMOUNT OF \$45,637.00.**

APPROVED

25.
- RESOLUTION AWARDING CONTRACT FOR PROVERS AND LAPTOP COMPUTERS TO DRESSER ROOTS METERS & INSTRUMENTS IN THE AMOUNT OF \$42,221.00.**

APPROVED

26.
- RESOLUTION AWARDING CONTRACT FOR GANTRY CRANE HOIST SYSTEM TO TENNESSEE SLING CENTER, INC. IN THE AMOUNT OF \$28,698.20.**

APPROVED

27.
- RESOLUTION AWARDING CONTRACT FOR CALCIUM HYPOCHLORITE TABLET CHLORINATION SYSTEM TO BRENNTAG MID-SOUTH IN THE AMOUNT OF \$25,875.00.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

- MOTION:
- McCormick
- SECOND:
- Sammons
- AYES:
- Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Sammons and Chairman Ford
- Marshall was absent
- Peete and Taylor were absent

APPROVED, with the exception of Items 18 and 19, which will go back to Committee on November 1, 2005

MINUTES

Approval of the Minutes of the regular meeting of October 11, 2005 with the following motion:

- MOTION:
- Sammons – Pull Items 52, Case No. SUP 05-207 and 53, SUP 05-208 from the minutes
- SECOND:
- Brown

APPROVED, Item 52 and 53 pulled from the minutes, to go back to Committee on November 1, 2005 and minutes of 10/25/05

Items #52 and #53 have been brought forward from the minutes of 10/11/05 and spread on the minutes of 10/25/05

52.
- RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHEAST CORNER OF PIER STREET AND CHANNEL AVENUE, CONTAINING 5.022 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT.** (Held from 9/6)
Case No. SUP 05-207

Chairman Ford recognized the following persons from the audience:

- Rev. Ralph White, 7583 Fairway Forest Dr., North, Cordova, TN 38016
- Richard Fields – No address information available
- Robert Spence 1 Commerce Square, Mphs, TN 38103

- Applicant:
- Radiological Assistance Consulting & Engineering (RACE)
- Robert Spence, SpenceWalk, PLLC – Representative
- Request:
- Storage & Distribution of Radioactive Materials including a radioactive waste incinerator

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

Louise Mercuro read the conditions for Item #52:

- 1) **The SUP will be granted for the storage and distribution of radioactive materials, but will not be granted the radioactive waste incinerator**
- 2) **There will be a three year moratorium in effect before an application for an incinerator will be accepted. And prior to submitting an application, RACE will contact Memphis Truth and other interested parties. Mr. Peete then stated the language needed to be modified to say that RACE cannot apply for an incinerator for three years**

Councilman Peete stated that he would like to amend the first case and add those two items as an amendment to that case so that number 52 is restructured to reflect those two items. Councilman Marshall asked Councilman Peete if he would accept that as a friendly amendment. Councilman Peete accepted

MOTION: Peete

SECOND: Marshall

53. RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHEAST CORNER OF JACK CARLEY CAUSEWAY AND WEST TRIGG AVENUE, CONTAINING 28.951 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT. (Held from 9/6)

Case No. SUP 05-208

Chairman Ford recognized the following persons from the audience:

Rev. Ralph White, 7583 Fairway Forest Dr., North, Cordova, TN 38016

Richard Fields – No address information available

Robert Spence 1 Commerce Square, Mphs, TN 38103

Applicant: Radiological Assistance Consulting & Engineering (RACE)

Robert Spence, SpenceWalk, PLLC – Representative

Request: Storage & Distribution of Radioactive Materials

LUCB recommendation: REJECTION

OPD recommendation: REJECTION

Louise Mercuro read the conditions for Item #53:

- 1) **The SUP will be granted for the storage and distribution of radioactive materials**
- 2) **Race will make its best effort to purchase the three residences which are located within 648 feet of the site at their appraised value within six months**
- 3) **Race will make its best effort to assist the teen after school program located within 778 feet of the site within six months. Mr. Peete added will assist the teen after school in relocating and finding another location is what the language should say**
- 4) **Mr. Peete added that the litigation on both sides will be dropped. Neither side will be able to sue the other side**

Mr. Peete asked Louise Mercuro to read all six items in the total agreement

MOTION: Peete

SECOND: Marshall

MOTION: Peete – Move previous question

Councilman Peete asked Allan Wade to give the Council guidance on linking the two items together. Mr. Wade stated that you have two motions on the floor at the same time. Both have been amended and conditioned by a motion by Councilman Peete.

I don’t think that the record is clear, that these items are to be considered and voted on together and I would suggest a motion to consolidate Item 53, Case No. SUP 05-208 as amended and conditioned by motion of Councilman Peete with Item 52, Case No. SUP 05-207 as conditioned and amended for the purpose of considering and voting on such items as one consolidated item. I believe that you can ask that this be approved without objection, if someone would move it.

MOTION:Peete

SECOND:McCormick

Allan Wade then stated that it would be appropriate to move the adoption of consolidated Item #52, Case No. SUP 05-207 as amended and conditioned and Case No. SUP 05-208 as amended and conditioned

MOTION:Peete – Move the adoption of consolidated Item #52 as amended and conditioned and consolidate Item #53 as amended and conditioned

SECOND:Holt

AYES:Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

NAYS:Brown

APPROVED, items 52 & 53, as amended

MAIN MOTION:Sammons

SECOND:McCormick

AYES:Chumney, Holt, Hooks, Jones, McCormick, Mitchell, Sammons and Chairman Ford

Brown, Lowery and Marshall did not cast a vote

Peete and Taylor were absent

APPROVED, as amended

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Ford recognized the following person from the audience:

Dorothy Alston, 2547 Derbyshire, Mphs, TN 38127

ADJOURNMENT

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

Attest:

CHAIRMAN

Deputy Comptroller/Council Records